

REMARKS

Claims 11-19 and 32-35 are pending, of which claims 11 and 16 are in independent form. The applicant has amended claims 13 and 18 and has cancelled claims 36-41.

Section 102 Rejections

Claims 11-16 and 33-35 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,413,941 to Koos et al. ("Koos"). The applicant respectfully traverses the rejection because Koos is not proper prior art. The present application is a continuation of U.S. Patent Application Serial No. 08/401,229, which in turn is a divisional application of U.S. Application No. 07/996,817, which was filed on December 28, 1992. The priority date of the present application is thus December 28, 1992. Koos's filing date is January 6, 1994, which is after the applicant's priority date. Thus, Koos is not proper prior art. For at least this reason, claims 11-16 and 33-35 should be allowed.

Section 103 Rejections

Claims 17 and 32 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Koos in view of U.S. Patent No. 6,413, 867 B1 to Sarfaty ("Sarfaty"). As discussed above, Koos is not proper prior art. Moreover, Sarfaty's filing date of December 23, 1999, is also after the applicant's priority date of December 28, 1992. Thus, neither Koos nor Sarfaty is proper prior art. For at least this reason, claims 17 and 32 should be allowed.

Amended Claims

The Examiner has accorded claims 13 and 18 no patentable weight, apparently because they are process limitations. The applicant has amended these claims to more clearly indicate that the limitations recited in these claims are functional limitations and not process limitations. As such, the limitations recited in these claims should be accorded patentable weight.

Statement of the Substance of the Interview

On December 16, 2003, Tim H. Pham, David J. Goren, and Examiner MacArthur participated in a telephone conference. The participants discussed claim 11 and the difference between front side monitoring and backside monitoring.

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Serial No. : 09/134,147
Filed : August 14, 1998
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Attorney's Docket No.: 05542-459003 / 5353C1/CMP

The applicant asks that all pending claims be allowed. Please apply any appropriate charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: MAY 20, 2004



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